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UNITED STATES PATENT AND TRADEMARK OFFICE

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10/673,522	09/29/2003	Mark Bernard Hettish	2003P08061US	1651

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Siemens Corporation
Attn: Elsa Keller, Legal Administrator
Intellectual Property Department
170 Wood Avenue South
Iselin, NJ 08830

EXAMINER
PADMANABHAN, KAVITA

ART UNIT	PAPER NUMBER
2161	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 December 2007*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-7 and 10-20* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7 and 10-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *29 September 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Status of Claims

1.   Claims 1-5 and 10-20 have been amended.

2.   Claim 9 has been cancelled.

3.   Claims 1-7 and 10-20 are pending.

4.   Claims 1-7 and 10-20 are rejected.

Continued Examination Under 37 CFR 1.114

5.   A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant to

37 CFR 1.114. Applicant's submission filed on 12/21/07 has been entered.

Claim Rejections - 35 USC § 112

6.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making
> and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it
> pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode
> contemplated by the inventor of carrying out his invention.

7.   **Claims 1-7 and 10-20** are rejected under 35 U.S.C. 112, first paragraph, as failing to

comply with the written description requirement. The claim(s) contains subject matter which

was not described in the specification in such a way as to reasonably convey to one skilled in the

relevant art that the inventor(s), at the time the application was filed, had possession of the

claimed invention. There does not appear to be support in the applicant's original specification

for an "identity oriented context *system* that represents a context of a user *based on a context of*

an entity," a "device oriented context *system* that *represents the context of the user* based on a

context of the device," or interfacing the them both, as recited in each independent claim.

Applicant has pointed to Figs. 1 and 2, but these do not mention device oriented or identity

oriented context *systems* nor do they mention that a an identity oriented context is based on a

context of an *entity* or that a device oriented context represents a context of a *user* based on a

context of a device.

8.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the
> subject matter which the applicant regards as his invention.

9.   **Claims 1-7 and 10-20** are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

Claims 1 and 18-20 each recite the limitation "said identity context oriented *application*"

in the last line of the claim. There is insufficient antecedent basis for this limitation in each of

the claims. **Claims 2-7 and 10-17** are rejected in view of their dependence on claim 1.

Claim Rejections - 35 USC § 102

10.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on
> sale in this country, more than one year prior to the date of application for patent in the United States.

11.   **Claims 1-7 and 10-20** are rejected under 35 U.S.C. 102(b) as being anticipated by

Diacakis et al. (US 2002/0116336, hereinafter "Diacakis").

In regards to **claim 1**, **Diacakis** teaches a method, comprising:

—. interfacing an identity oriented context system that represents a context of a user based on

a context of an entity with a device oriented context system that represents the context of

the user based on a context of the device **(Diacakis; Fig. 1; Fig. 4 – presence detection**

engine interpreted as device oriented context system since it determines user's

presence on particular devices, and availability management engine interpreted as

identity oriented context system since it determines user's availability based on

user's/entity's situation);

— detecting a new device oriented context provided by said device oriented context system

for a specific device associated with an identity **(Diacakis; par [0034], lines 14-18; par**

[0035] – "when the P&A management server 12 detects that the individual is at work,

the server 12 transmits the individual's updated P&A information to the clients 22 for

the individual's boss and spouse"; par [0038]; par [0043]-par [0044] – "determine

whether an individual is present on other devices such as, for example, a personal

digital assistant (PDA) 50 or a pager 52"), wherein said new device oriented context

provides an availability status of the specific device **(Diacakis; par [0026] – "if a person**

is not near a landline telephone or wireless telephone, or the wireless telephone is

switched off, then that person is not present on a telephone network, and thus unable

to communicate with others on the telephone network. Similarly, if a person uses an

instant messaging (IM) application at a given point in time, the person is present on that instant messaging network"; **par [0045]** - *"determine the individual's current capabilities 58 such as, for example, whether he can receive voice information, data files, audio files, video files, etc."*; **par [0053]**); and

- mapping said new device oriented context provided by said device oriented context system to an identity oriented context for said identity provided by said identity oriented context system by associating the new device oriented context with said identity oriented context, wherein said identity oriented context provides an availability status of said identity (**Diacakis; par [0056]** – *"For example, in FIG. 8 Alex is available by telephone and instant messaging, but Tom is only available by telephone and Pete is only available by instant messaging."*; **[0059]; Fig. 8 – identity oriented contexts may be for example, "at home" or "at office" and device oriented contexts may be for example whether the individual is available via phone, IM, etc.**); and

- providing data indicative of said mapped identity oriented context to said identity context oriented application (**Diacakis; par [0030]; par [0056]; par [0059]; Fig. 8**).

In regards to **claim 2, Diacakis** teaches the method of claim 1, wherein said detecting said new device oriented context for said device includes detecting said new device oriented context in a presence and availability service (**Diacakis; Fig. 1**).

In regards to **claim 3, Diacakis** teaches the method of claim 1, wherein said detecting said new device oriented context for said device includes receiving a request to change said device's device context **(Diacakis; par [0034], lines 14-18)**.

In regards to **claim 4, Diacakis** teaches the method of claim 1, wherein said mapping said new device oriented context to said identity oriented context for said identity includes determining said identity **(Diacakis; par [0056]; Fig. 8)**.

In regards to **claim 5, Diacakis** teaches the method of claim 1, wherein said mapping said new device oriented context to said identity oriented context for said identity includes determining said identity context **(Diacakis; par [0056]; par [0059]; Fig. 8)**.

In regards to **claim 6, Diacakis** teaches the method of claim 1, further comprising:

- determining said identity **(Diacakis; par [0056]; Fig. 8)**.

In regards to **claim 7, Diacakis** teaches the method of claim 1, further comprising:

- determining said identity context **(Diacakis; par [0056]; par [0059]; Fig. 8)**.

In regards to **claim 10, Diacakis** teaches the method of claim 1, further comprising:

- receiving a request to make a change to a new identity oriented context for an identity **(Diacakis; par [0034], lines 14-18; par [0056]; par [0059]; Fig. 8)**; and

—   mapping said new identity oriented context to a device context for a device associated

with said identity **(Diacakis; par [0056]; par [0059]; Fig. 8)**.

In regards to **claim 11**, **Diacakis** teaches the method of claim 1, further comprising:

—   receiving a request to make a change to a new identity oriented context for a second

identity **(Diacakis; par [0034], lines 14-18; par [0056]; par [0059]; Fig. 8)**; and

—   mapping said new identity oriented context to a device oriented context for a device

associated with said second identity **(Diacakis; par [0056]; par [0059]; Fig. 8)**.

In regards to **claim 12**, **Diacakis** teaches the method of claim 11, wherein said receiving said

request to make said change to a new identity oriented context for said second identity includes

receiving said request from an identity context oriented application **(Diacakis; par [0034], lines

14-18; par [0036])**.

In regards to **claim 13**, **Diacakis** teaches the method of claim 11, wherein said mapping said

new identity oriented context to said device context for said device associated with said second

identity includes determining said device associated with said second identity **(Diacakis; par

[0056]; par [0059]; Fig. 8)**.

In regards to **claim 14**, **Diacakis** teaches the method of claim 13, wherein said mapping said

new identity oriented context to said device context for said device associated with said second

identity includes determining said device oriented context associated with said device associated with said second identity **(Diacakis; par [0056]; par [0059]; Fig. 8)**.

In regards to **claim 15**, **Diacakis** teaches the method of claim 11, wherein said mapping said new identity oriented context to said device context for said device associated with said second identity includes accessing a mapping table **(Diacakis; Fig. 2; Fig. 5; Fig. 8)**.

In regards to **claim 16**, **Diacakis** teaches the method of claim 1, further comprising:

– providing data indicative of said device oriented context to a presence and availability service **(Diacakis; Fig. 1; par [0034], lines 14-18; par [0035], par [0038]; par [0043]-par [0044]; Fig. 8)**.

In regards to **claim 17**, **Diacakis** teaches the method of claim 11, further comprising:

– changing an identity oriented context for said second identity from a first identity oriented context to a said new identity oriented context in response to said request **(Diacakis; par [0034], lines 14-18; par [0056]; par [0059]; Fig. 8)**.

Claims 18-20 are each rejected with the same rationale given for claim 1.

Response to Amendment

12. Applicant's amendments filed 12/21/07 with respect to the claim objections have been considered. The corresponding objections have been withdrawn accordingly.

Response to Arguments

13.   Applicant's arguments filed 12/21/07 with respect to the prior art rejections of the claims have been fully considered but they are not persuasive.

Applicant argues that Diacakis does not both an identity oriented context system and a device oriented context system as claimed. The examiner respectfully disagrees and refers the applicant to the rejection above. To reiterate, the examiner asserts that the presence detection engine of Diacakis is interpreted as a device oriented context system since it determines user's presence on particular devices, and the availability management engine is interpreted as an identity oriented context system since it determines a user's availability based on the user's/entity's situation (Diacakis; Fig. 1; Fig. 4).

Conclusion

14.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Kavita Padmanabhan** whose telephone number is **571-272-8352**. The examiner can normally be reached on Monday-Friday, 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Apu Mofiz can be reached on 571-272-4080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
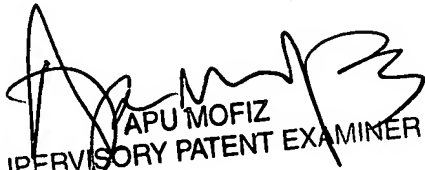
Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kavita Padmanabhan   January 6, 2008
Assistant Examiner
AU 2161

APU MOFIZ
SUPERVISORY PATENT EXAMINER